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09/612,440	07/07/2000	Timothy Merrick Long	169.1763	7048

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NEW YORK, NY 10112

EXAMINER

BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 07/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/612,440

Applicant(s)

LONG, TIMOTHY MERRICK

Examiner

ANTHONY J BLACKMAN

Art Unit

2676

*M*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,11,17 and 21-28 is/are rejected.
- 7) ☐ Claim(s) 2-6,8-10,12-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/15/2003 have been fully considered but they are not persuasive. Examiner maintains MARGULIS, US Patent No. 6,456,340 as the primary reference modified by BOLLMAN et al for remaining areas that MARGULIS does not expressly teach. BOLLMAN et al teach image processing code generation based on structured image techniques, wherein source code modifications bear similar results to updating as well as the reading the self-describing attribute tags.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 11, 17 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over MARGULIS, US Patent No. 6,456,340 in view of BOLLMAN et al, US Patent No. 6,141,012.

4. As per claims 1, 21 and 25, MARGULIS discloses a method of augmenting meta-data associated with a digital image (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), wherein the meta-

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data comprises at least one meta-data element (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), further, MARGULIS teach a tag combined with/added to a meta-data and combining more than one image (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 13-22, 46-56 column 11, lines 2-26, 45-52, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), and although MARGULIS teach analog, digital, compressed bitstream and coded bitstream display images where "...object information is specially coded information in a bitstream (column 5, lines 51-54), and a geometric transformation that includes a layered coding video bitstream (column 11, lines 19-26)", and an enhanced decoding operation of Image Reconstruction 38 or IR 38, MARGULIS does not expressly teach a self-describing attribute tag. However, BOLLMAN et al provides the suggestion for a method comprising adding a self-describing attribute tag to each meta-data element (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30), wherein each attribute tag added to a meta-data element describes an action to be taken with to be performed on the meta-data element (column 15, lines 35-59), and a similarly identified meta-data element from another digital image (column 15, lines 35-59), in a case where the two images are combined (column 15, lines 35-59). Therefore, it would have been obvious to one skilled in the art to one at the time of the invention to utilize the image processing code generation based on structured image (SI) Techniques, including code modification activities (abstract, lines 18-22) of BOLLMAN et al with the image

transforms in a digital display system and geometric transmission of MARGULIS because both inventions share similar technological environments related to addressing object acquisition, storage, edit/preparation and delivery/transmit to output rendering (BOLLMAN et al, column 1m lines 53-56). Therefore, it would have been obvious to modify MARGULIS with BOLLMAN et al.

5. As per claims 7, 22 and 26. MARGULIS disclose a method of augmenting meta-data associated with a digital image, wherein the meat-data comprises at least one meta-data element MARGULIS disclose a method of augmenting meta-data associated with a digital image (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), wherein the meta-data comprises at least one meta-data element (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), further, MARGULIS teach a tag combined with/added to a meta-data and combining more than one image (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 13-22, 46-56 column 11, lines 2-26, 45-52, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), and although MARGULIS teach analog, digital, compressed bitstream and coded bitstream display images where "...object information is specially coded information in a bitstream (column 5, lines 51-54), and a geometric transformation that includes a layered coding

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video bitstream (column 11, lines 19-26), and an enhanced decoding operation of Image Reconstruction 38 or IR 38, MARGULIS does not expressly teach adding a self-describing attribute tag to each meta-data element, wherein each attribute tag added to a meta-data element describes an action to be performed on the meta-data element in a case where the digital image is transformed. However, BOLLMAN et al provides the suggestion for a method comprising adding a self-describing attribute tag to each meta-data element (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30), wherein each attribute tag added to a meta-data element describes an action to be taken with to be performed on the meta-data element (column 15, lines 35-59), and a similarly identified meta-data element from another digital image (column 15, lines 35-59), in a case where the two images are combined ( column 15, lines 35-59). Therefore, it would have been obvious to one skilled in the art to one at the time of the invention to utilize the image processing code generation based on structured image (SI) Techniques, including code modification activities (abstract, lines 18-22) of BOLLMAN et al with the image transforms in a digital display system and geometric transmission of MARGULIS because both inventions share similar technological environments related to addressing object acquisition, storage, edit/preparation and delivery/transmit to output rendering (BOLLMAN et al, column 1m lines 53-56). Therefore, it would have been obvious to modify MARGULIS with BOLLMAN et al.

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6. As per claims 11, 23 and 27. MARGULIS disclose a method of combining meta-data associated with a plurality of images (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), wherein the images each have associated therewith meta-data comprising at least one meta-data element (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), however,

Does not expressly teach each having associated therewith an attribute tag which describes a corresponding action to be performed on the meta-data element in a case where the images are combined, the method comprising the steps of: reading the attribute tag of each meta-data element to identify the corresponding action; and combining similar meta-data elements associated with the images in accordance with the identified action for those meta-data elements.

Conversely, BOLLMAN et al suggest each having associated therewith an attribute tag which describes a corresponding action to be performed on the meta-data element in a case where the images are combined (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30), the method comprising the steps of: reading the attribute tag of each meta-data element to identify the corresponding action (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30); and combining similar meta-data elements associated with the images in accordance with the identified action for those

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meta-data elements (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30).

Therefore, it would have been obvious to one skilled in the art to one at the time of the invention to utilize the image processing code generation based on structured image (SI) Techniques, including code modification activities (abstract, lines 18-22) of BOLLMAN et al with the image transforms in a digital display system and geometric transmission of MARGULIS because both inventions share similar technological environments related to addressing object acquisition, storage, edit/preparation and delivery/transmit to output rendering (BOLLMAN et al, column 1m lines 53-56). Therefore, it would have been obvious to modify MARGULIS with BOLLMAN et al.

7. As per claims 17, 24 and 28. MARGULIS disclose image transformation of means of meta-data associated with a digital image (figure 4, element 404, figure 5, element 404, figure 11, element 1108, column 5, lines 18-22, column 11, lines 2-18, column 13, lines 8-14, column 16, line 38 to column 17, line 32 and column 26, lines 26-45), however, does not expressly teach a method comprising adding a self-describing attribute tag to each meta-data element, wherein each attribute tag added to a meta-data element describes an action to be taken with to be performed on the meta-data element, and a similarly identified meta-data element from another digital image in a case where the two images are combined.

However, BOLLMAN et al provides the suggestion for a



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method comprising adding a self-describing attribute tag to each meta-data element (column 3, lines 41-47, column 15, lines 35-59, column 16, lines 8-30), wherein each attribute tag added to a meta-data element describes an action to be taken with to be performed on the meta-data element ( column 15, lines 35-59), and a similarly identified meta-data element from another digital image ( column 15, lines 35-59), in a case where the two images are combined ( column 15, lines 35-59). Therefore, it would have been obvious to one skilled in the art to one at the time of the invention to utilize the image processing code generation based on structured image (SI) Techniques, including code modification activities (abstract, lines 18-22) of BOLLMAN et al with the image transforms in a digital display system and geometric transmission of MARGULIS because both inventions share similar technological environments related to addressing object acquisition, storage, edit/preparation and delivery/transmit to output rendering (BOLLMAN et al, column 1m lines 53-56). Therefore, it would have been obvious to modify MARGULIS with BOLLMAN et al.

***Allowable Subject Matter***

8. Claims 2-6, 8-10, 12-16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANTHONY J BLACKMAN** whose telephone number is 703-305-0833. The examiner can normally be reached on **FLEX SCHEDULE**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **MATTHEW BELLA** can be reached on 703-308-6829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-746-5731 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



ANTHONY J BLACKMAN  
Examiner  
Art Unit 2676

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June 27, 2003

  
JEFFERY BRINET  
PRIMARY EXAMINER